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2 **DAVID Z. CHESNOFF, ESQ.**
3 Nevada Bar #2292
4 **RICHARD A. SCHONFELD, ESQ.**
5 Nevada Bar No. 6815
6 **CHESNOFF & SCHONFELD**
7 **520 South Fourth Street**
8 **Las Vegas, Nevada 89101**
9 **Tel.: [702] 984-5563**
10 **Fax: [702] 598-1425**
11 dzchesnoffA@cslawoffice.net
12 rschonfeld@cslawoffice.net

13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 * * * *

17 **UNITED STATES OF AMERICA**)

18 **Plaintiff,**)

19 **v.**)

CASE NO: 2:15-cr-285-APG-PAL

20 **CHARLES BURTON RITCHIE, and**)
21 **BENJAMIN GALECKI,**)
22 **a/k/a ZENCENSE BEN**)
23 **RYAN MATTHEW EATON,**)

**STIPULATION TO CONTINUE
PRETRIAL MOTION DEADLINES**

ORDER

24 **Defendant.**)
25 _____)
26

27 **IT IS HEREBY STIPULATED and AGREED** by and between James E. Keller, Assistant
28 United States Attorney, Charles Anthony Miracle, U.S. Department of Justice, Cole Arnold
29 Radovich, U.S. Department of Justice, and David Z Chesnoff, Esq., and Richard A. Schonfeld,
30 attorney for Defendant, Benjamin Galecki and John Lloyd Snook, III, Esq., attorney for Defendant,
31 Charles Burton Ritchie, and Shawn R. Perez, Esq., attorney for Defendant, Ryan Matthew Eaton,
32 that Defendants shall have to and including February 12, 2018, within which to file the Defendant's
33 pretrial motions.

1 **IT IS FURTHER STIPULATED AND AGREED**, by and between the parties herein, that
2 the government shall have to and including, March 5, 2018, within which to file any and all
3 responsive pleadings.

4 **IT IS FURTHER STIPULATED AND AGREED**, by and between the parties herein that
5 the Defendant shall have to and including, March 15, 2018, within which to file any and all replies
6 to said motions.

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8 That the calendar call scheduled for May 15, 2018 at 8:45 a.m. in this matter will commence
9 on the scheduled date and time and is not impacted by this Stipulation. That the trial in this matter
10 currently scheduled for May 21, 2018, at the hour of 9:00 a.m., will commence on the scheduled date
11 and time and is not impacted by this Stipulation.

12 While the parties agree to the above stated extensions of deadlines the parties disagree on
13 whether grounds asserted on prior motions briefed before the court can or cannot be filed at this
14 juncture, which this stipulation does not address.

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16 Accordingly,

17 This Stipulation is entered into for the following reasons:

18 1. That Counsel Schonfeld recently substituted in for Defendant Galecki and did not
19 receive discovery from prior counsel. As a result, the government produced a new set of discovery
20 for counsel Schonfeld on January 2, 2018;

21 2. That Counsel Schonfeld needs the additional time to prepare pretrial Motions as a
22 result of his recent appearance in this case and the recent receipt of discovery;

23 3. That Counsel Schonfeld has been in communication counsel for the co-defendants
24 and counsel for the government and there is no objection to the continuance as outlined above;

1 4. For all the above-stated reasons, the ends of justice would best be served by a
2 continuance of the parties' motions deadline, response deadline, reply deadline;

3 5. Denial of this request for continuance of the pretrial motions deadline would deny
4 counsel for Defendant sufficient time within which to be able to adequately research, prepare, and
5 submit for filing appropriate motions taking into account the exercise of due diligence;

6 6. Additionally, denial of this request for continuance would result in a miscarriage of
7 justice;
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9 7. For all the above-stated reasons, the ends of justice would best be served by a
10 continuance for the parties' pretrial motions, response deadline and Reply deadline;

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1 8. This is Counsel Schonfeld's second request for continuance of the pretrial motions,
2 response deadlines and Reply deadline on behalf of the Defendant Galecki.

3 **DATED** this ____ day of January, 2018.

4 **UNITED STATES ATTORNEY**

CHESNOFF & SCHONFELD

6 _____
7 /s/
8 **JAMES E. KELLER, AUSA**
9 100 West Liberty
10 Reno, Nevada 89501
11 Attorney for Plaintiff

/s/
DAVID Z. CHESNOFF, ESQ.
Nevada Bar No. 2292
RICHARD A. SCHONFELD, ESQ.
Nevada Bar No. 6815
520 South Fourth Street
Las Vegas, Nevada 89101
Attorney for Defendant,
Benjamin Galecki

10 _____
11 /s/
12 **COLE RADOVICH** / Trial Attorney
13 Narcotic and Dangerous Drug Section
14 Criminal Division / U.S. Department of Justice
15 145 N Street NE / Second Floor, East Wing
16 Washington D.C. 20530

15 _____
16 /s/
17 **JOHN LLOYD SNOOK, III**
18 Snoot & Haughey, P.C.
19 408 East Market Street, Suite 107
20 Charlottesville, Virginia 22902
21 Attorney for Defendant, Charles Burton Ritchie

20 _____
21 /s/
22 **SHAWN R. PEREZ, ESQ.**
23 Law Office of Shawn R. Perez
24 626 South Third Street
25 Las Vegas, Nevada 89101
26 Attorney for Defendant, Ryan Matthew Eaton

1 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

2 Based upon the pending Stipulation of counsel, and good cause appearing therefore, the
3 Court finds that:

4 1. That Counsel Schonfeld recently substituted in for Defendant Galecki and did not
5 receive discovery from prior counsel. As a result, the government produced a new set of discovery
6 for counsel Schonfeld on January 2, 2018;

7
8 2. That Counsel Schonfeld needs the additional time to prepare pretrial Motions as a
9 result of his recent appearance in this case and the recent receipt of discovery;

10 3. That Counsel Schonfeld has been in communication counsel for the co-defendants
11 and counsel for the government and there is no objection to the continuance as outlined above;

12 4. For all the above-stated reasons, the ends of justice would best be served by a
13 continuance of the parties' motions deadline, response deadline, reply deadline;

14
15 5. Denial of this request for continuance of the pretrial motions deadline would deny
16 counsel for Defendant sufficient time within which to be able to adequately research, prepare, and
17 submit for filing appropriate motions taking into account the exercise of due diligence;

18 6. Additionally, denial of this request for continuance would result in a miscarriage of
19 justice;

20 7. For all the above-stated reasons, the ends of justice would best be served by a
21 continuance for the parties' pretrial motions, response deadline and Reply deadline;

22
23 8. This is Counsel Schonfeld's second request for continuance of the pretrial motions,
24 response deadlines and Reply deadline on behalf of the Defendant Galecki.

1 **ORDER**

2 **IT IS HEREBY ORDERED** that the parties herein shall be have to and including February
3 12, 2018, within which to file any and all pre-trial motions.

4 **IT IS FURTHER ORDERED** that the parties herein shall have to and including March 5,
5 2018, within which to file any and all responsive pleadings.

6 **IT IS FURTHER ORDERED** that the parties herein shall have to and including March 15,
7 2018, within which to file any and all replies.

8 **IT IS FURTHER ORDERED** that the calendar call scheduled for May 15, 2018 at 8:45
9 a.m. in this matter will commence on the scheduled date and time and is not impacted by this
10 Stipulation. That the trial in this matter currently scheduled for May 21, 2018, at the hour of 9:00
11 a.m., will commence on the scheduled date and time and is not impacted by this Stipulation.
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13 **DATED** this 11th day of January, 2018.
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17 **UNITED STATES DISTRICT JUDGE**

18 Submitted by:

19 /s/
20 **RICHARD A. SCHONFELD, ESQ.**
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